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8
                    UNITED STATES BANKRUPTCY COURT
9
              FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 In re   Case No. 08-12670

12 BENJAMIN and MARILYN GONGORA   Chapter 7

13   Debtor.
                                                Date: February 12, 2009
14   Time: 900 a.m.
                                                Place: 99 South E Street
15   Santa Rosa, CA.

16
              MOTION FOR RELIEF FROM AUTOMATIC STAY
17
          Gwenette Jackon, an individual claimant, moves the Court for an order granting her
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   relief from the automatic stay of 11 U.S.C. §362 to allow her to pursue and recover her
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   personal injury claims against the Debtors' insurance carrier and to liquidate her claims by
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   prosecuting a civil action against the Debtors to judgment, but prohibiting her from collecting
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   directly from the debtor or the estate without further order.
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          This motion is made on the ground that cause exists for relief from stay to allow
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   Movant to liquidate her claim against the debtor and recover from the Debtors' insurance.
24
          Movant specifically seeks to nullify the effect of Bankruptcy Rule 4001(a)(3).
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          This motion is based upon the declaration of Scott Choi filed with this motion, and the
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   other pleadings, papers and documents filed in this bankruptcy case, and such further oral and
27
   documentary evidence as may be presented at the time of the hearing of this motion.
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          Responsive pleadings, points and authorities, and declarations for any preliminary

1   hearing are not required, but may be filed. In the event the debtor fails to appear either

2   personally or through counsel at the scheduled hearing, the debtor's default may be entered and

3   relief granted as prayed for.

4   Dated: January 22, 2009   WELCH & OLRICH, LLP

5   /s/Craig K. Welch
                                         SBN 078546

6   CRAIG K. WELCH
                                       Attorneys for moving party.

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WELCH & OLRICH, LLP   MOTION FOR RELIEF FROM AUTOMATIC STAY